

**Minutes of the Special And Regular Meeting of Tuesday, June 14, 2005**  
**City Council Chambers, One Twin Pines Lane**

**SPECIAL MEETINGS**

**CLOSED SESSION - TIME 6:45 P.M.**

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section No. 54957.6: 1) MMCEA, 2) AFSCME.
- B. Conference with legal counsel, existing litigation, Government Code Section 54956.9(a), Belmont Business Center v. City of Belmont.

Attended by Councilmembers Feierbach, Bauer, Mathewson, Metropulos, Warden, Interim City Attorney Zafferano, Interim City Manager Jack Crist, Finance Director Fil, Human Resources Director Dolan (Item A only), and Larry Abelin and Fran Buchanan (Negotiators, Item A only). City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:35 P.M.

**Terri Cook**  
**BelmontCity Clerk**

Meeting not tape recorded or videotaped.

**REGULAR MEETING**

**CALL TO ORDER 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Mathewson, Metropulos, Bauer, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, Interim City Attorney Zafferano, City Clerk Cook.

**REPORT FROM CLOSED SESSION**

Mayor Warden announced that direction was given but no action taken on Closed Session Item A. He announced that on a vote of 5-0, Council had approved a settlement for Closed Session Item B (Belmont Business Center v. City of Belmont); that is, nothing is to be paid to the plaintiff in this matter.

**SPECIAL PRESENTATIONS**

**Ribbon Cutting for New City Council Chambers**

The Mayor and Councilmembers cut a ceremonial ribbon to commemorate the inaugural meeting in the new Council Chambers.

Mayor Warden stated that there was never any sense of permanence to the Senior Center, and there were often sound and video problems during meetings there. He noted that the new Council Chambers was a nice home for the entire City. He thanked a number of people for their involvement in the current project, including the current Council and former Councilmembers Wright and Cook, the architect, construction manager, project superintendent, former City Manager Kersnar and former Assistant City Manager Rich, Information Technology Manager Harnish, the Police and Building Maintenance staff, Parks and Recreation Director Mittelstadt, and Finance Director Fil.

Mayor Warden stated that the new Chambers incorporated many technological improvements, such as split screen images that are broadcast directly to the TV audience, and an electronic speaker timer system. He stated that the City logo would be installed on the wall behind the dais.

Councilmember Mathewson stated that he had been involved in the project since he was on the Planning Commission, and was happy to see the Chambers completed. He agreed with the Mayor that it is a nice facility for the community.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Chester Fisher** stated that after 18 months of planning, the first Annual Viardo Piano Competition had been held recently at Notre Dame de Namur University (NDNU), and that it was a success. He stated that of 40 candidates who applied, 25 were invited to participate, in ages ranging from 12 to 28, from a variety of countries. He noted that the eight jury members were world-renowned international pianists. He stated that in order to hold the competition in succeeding years, \$10,000 to \$15,000 in seed money needed to be raised, and asked the community to consider contributing.

Councilmember Feierbach stated that she had attended most of the festival events, and she was willing to assist with a future competition.

**Dr. Michael Schmitz**, NDNU Music Department, stated that the piano competition brought international attention for the City of Belmont. He noted that the three Viardo winners have already captured other awards since the competition ended. He stated that it is Mr. Viardo's desire to start a music school in Belmont, but that this takes a large commitment of resources. He noted that Menlo College's program has an annual budget of \$500,000.

Mayor Warden stated that this item be placed on the next Council agenda to consider making a contribution toward a future piano competition.

**Judy King**, President, Belmont Park Boosters, announced that the 29<sup>th</sup> annual Summer Concerts in the Park would begin on June 19, Father's Day. She noted that although the Chambers is a new room, it was nice to see the same faces.

**Jack Rehbock**, Skymont-Plateau Neighborhood Association, presented a check to the Friends of the Belmont Library for its fundraising efforts. He encouraged other neighborhood associations to make a contribution as well.

**Joan Peceimer**, Friends of the Belmont Library (FOBL), stated that another neighborhood association has already advised it is making a contribution.

**John Violet**, Friends of the Belmont Library (FOBL), announced an upcoming Summer Reading program to be held on June 15, 2005, sponsored by the FOBL.

**George Kranen**, Notre Dame Avenue, congratulated the Council on the new Chambers.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Bauer stated that Carlmont High School's Graduation Ceremony would be held in the morning on June 17, and Ralston Middle School's Graduation would be held in the afternoon on the same day. He noted that he had children in each graduating class.

Councilmember Metropulos stated that retired Belmont Police Officer Patrick Moran recently passed away, and that his funeral would be held on June 17, 2005. He requested that tonight's Council Meeting be adjourned in his memory.

Councilmember Mathewson stated that on June 10 he presented a Proclamation to Erik Frydenlund in honor of his achieving Eagle Scout. He congratulated Joan Peceimer and Jackie Kimmey for earning the William Chapman Ralston Award. He also noted that today was Councilmember Feierbach's birthday, and he thanked her for attending tonight's meeting.

City Clerk Cook announced that the County Election Office would be holding a Candidate's Orientation on June 29, 2005, at 6:00 p.m. at the Elections Office on Tower Road for individuals who may be contemplating running for office in the November 8 election. She noted that three of Belmont's City Council seats were scheduled for election this year.

### **CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of May 10, 2005.

**Adoption of** Ordinance 1008 Approving an Amendment to the Contract Between the City of Belmont and the Board of Administration of the California Public Employees' Retirement System to Provide Section 21362.2 (3% at 50 Full Formula) and Section 21574 (Fourth Level of 1959 Survivor Benefits) for Local Safety Members.

**Approval of** Resolution 9668 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$190,000, Approving a Construction Contingency of \$19,000, and Authorizing the City Manager to Execute a Contract for 1133/1145 Alameda de las Pulgas Creek Stabilization Project, City Contract Number 419B.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Consent Calendar was unanimously approved, as presented, by a show of hands.

Councilmember Mathewson stated that although he voted to approve Ordinance 1008 (Approving an Amendment to the Contract Between the City of Belmont and California Public Employees' Retirement System), he wished to comment for the record. Based on an agreement from several years ago, tonight we are approving an ordinance to change a contract with Cal PERS regarding retirement pay for certain public safety employees. Those employees who put their lives on the line for us every day, and go into dangerous situations, deserve significant retirement benefits. This contract was negotiated in good faith by a prior Council when it seemed that there would be unending growth and good times in our economy. As a result of the recession and decline in market returns, certain retirement provisions are putting stress on general fund budgets of many cities and counties throughout the Bay Area and Statewide. Before increasing retirement benefits further in the future, we must carefully review all possible economic scenarios to ensure that we will be able to maintain and to enhance all the public services that our residents rely on.

## **HEARINGS**

### **Reconvene Public Hearings for the Belmont Fire Protection District and Redevelopment Agency and Convene Public Hearing for City of Belmont to consider proposed budget for Fiscal Year 2005-06.**

Finance Director Fil stated that the Budget as proposed is balanced. He reviewed the topics of discussion and actions to be considered this evening. He noted that the previous version of the Budget did not include staffing and funding considerations for the Economic Development Manager, which will have a fiscal impact of \$128,000 for the Redevelopment Agency Budget, but clarified that the Agency's Budget is still balanced.

Finance Director Fil explained the Gann Limit Act, which prohibits jurisdictions from collecting more tax than is authorized. He reviewed the minor changes to the Master Fee Schedule. He noted that the sewer service charge represents a 16 percent increase, and the proposal was to increase 9 percent in successive years. He noted that the City is preparing for the issuance of a second set of bonds for infrastructure repairs. He clarified that without the rate increase, the reserves in this Fund will soon be depleted.

Finance Director Fil indicated there were no substantive changes in the financial policies. He noted that the Investment Policy, prepared by the City Treasurer and previously adopted by the City Council, was now included in the Financial Policies by reference. He also noted that the Contingency limit has been reduced from \$100,000 to \$50,000, and that the resolution for the Community Facilities District was required to authorize the bond on property taxes.

Finance Director Fil stated that the Finance Commission reviewed all the Budget items, and concurred with the Budget as proposed. He noted that additional information would be forthcoming to the Commission regarding the Economic Development Manager.

Interim City Manager Crist noted that he attended the Finance Commission meeting, and that there was substantial discussion and concern expressed by the Commission regarding the expenditure for the Economic Development position. He recommended that some Redevelopment Agency housing dollars could be utilized to partially fund an additional Planner, who could also deal with the backlog in the Planning Department. He noted that the Council could authorize that additional position as a modification to the Budget resolution.

Community Development Director Ewing stated that he supported the funding of an additional position.

Mayor Warden opened the Public Hearing.

**Tanya Rieck**, Shelter Network, thanked the Council for its continued support of its program.

**Laura Fanucchi**, HIP Housing, also thanked the Council for its investment in HIP's program.

Councilmember Feierbach thanked staff for its time in meeting individually with Councilmembers to answer questions and review the Budget in detail.

Mayor Warden stated that Council has a high level of trust in staff on Budget matters, and that staff anticipates Council's needs.

Councilmember Bauer noted that Belmont has an award-winning financial reporting system, and that the City of Belmont is in better shape than other cities.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Public Hearings (for all agencies) were unanimously closed by a show of hands.

**ACTION:** A motion was by Councilmember Mathewson, seconded by Councilmember Bauer, to approve a Resolution Adopting the Proposed FY 2006 Base Budget Revenue, Appropriations, Capital Improvement Program Budgets and Permanent Staffing Plan for the City of Belmont.

**ACTION:** Councilmember Feierbach moved to amend the Resolution to include funding for one additional planner for Community Development. Councilmember Mathewson seconded the motion.

Interim City Manager Crist clarified that the intent would be to modify the associate planner and housing specialist position. Community Development Director Ewing stated that Currently this position is a shared 50 percent housing specialist/ 50 percent for the planner position, and the intent is that both the housing specialist and the associate planner position would become two full-time positions.

Finance Director Fil clarified that by this action, the Council would be amending the permanent staffing level, and specifics regarding funding of these positions would be addressed at a future time.

**ACTION:** On the amended motion to add one additional planning position to the permanent staffing level, motion unanimously approved by a show of hands.

**ACTION:** On the original motion, a Resolution Adopting the Proposed FY 2006 Base Budget Revenue, Appropriations, Capital Improvement Program Budgets and Permanent Staffing Plan for the City of Belmont, amended to include one additional planning position, was unanimously approved by a show of hands.

Councilmember Bauer stated that he wished to offer an additional amendment. Mayor Warden responded that the Resolution had already been passed.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, and unanimously approved by a show of hands to reconsider the Resolution.

Councilmember Bauer stated he desired to increase the Council's current travel and training budget, since it had decreased by 75 percent over the past couple of years. He suggested doubling the current \$1,000 allocation to \$2,000 per Councilmember. He noted that some Councilmembers are able to handle costs over the allocation, and some do not use the entire allocation. He noted it is important for Councilmembers to be visible in the community.

In response to Councilmember Metropulos, Finance Director Fil stated that any unused balances become part of the General Fund ending balance.

Mayor Warden stated that serving as a Councilmember is voluntary. He noted that Councilmembers receive a stipend plus benefits, which is not salary, and should be used for other costs.

**ACTION:** Councilmember Mathewson made a motion to increase the current travel and training allocation from \$1,000 to \$1,200 per Councilmember. Councilmember Bauer seconded this motion.

Councilmember Feierbach stated that she would not support the increase, and that \$1,000 is sufficient.

**ACTION:** On a substitute motion by Mayor Warden, seconded by Councilmember Feierbach, to leave the allocation for travel and training set at \$1,000 per Councilmember, and approved by a roll call vote of 3-1-1 (Councilmember Mathewson no, Councilmember Bauer, abstain).

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, Resolution 9669 Approving the Article XIIB Appropriations Limit for the Fiscal Year 2006 was unanimously approved by a show of hands

**ACTION:** Councilmember Mathewson made a motion to approve the Master Fee Schedule. There was no second at this time, and discussion ensued.

In response to Councilmember Bauer's question regarding the 40 percent increase in the deposit fee for Negative Declarations, Community Development Director stated that this increase represented an increase in amount of time and hourly rate for such services.

In response to Councilmember Feierbach, Community Development Director Ewing clarified that there is no fee for removing a dead tree.

Councilmember Bauer stated that the \$1500 fee for tree removal was excessive. He noted that protected trees have a high value to a property owner.

Mayor Warden stated that most of applicants remove trees to develop a vacant lot. Community Development Director Ewing confirmed that tree removal fees are usually paid for the development of property, and that it is uncommon for someone to just remove a protected tree from their property.

In response to Mayor Warden's inquiry regarding the payment of appeal fees by Councilmembers and Planning Commissioners, Community Development Director Ewing stated that City Councilmembers have the ability to call up any decisions, but that at this time, there is no such provision for Commissioners. He clarified that Commissioners receive notice of administrative actions, and provision for this was recently enacted.

Mayor Warden stated his recollection was that the intent was to have the Commission have the ability to call up administrative actions. Community Development Director Ewing stated this issue is in process, but that it is not a budget or Master Fee Schedule issue.

Councilmember Mathewson noted that a Commissioner could request that a Councilmember call up an item if they desired.

**ACTION:** On a motion by Councilmember Metropulos, seconded by Councilmember Feierbach, Resolution 9670 Adopting FY 2006 Master Fee Schedule was unanimously approved by a show of hands.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, Resolution 9671 Adopting the Proposed FY 2006 Base Budget Revenue, Appropriations, Capital Improvement Program Budgets and Permanent Staffing Plan for the City of Belmont, previously approved but subsequently rescinded, was unanimously approved by a show of hands.

**ACTION:** On a motion by Councilmember Metropulos, seconded by Councilmember Feierbach, Resolution 9672 Setting Sewer/Storm Drain Rates To Be Collected By The County Of San Mateo on the Property Tax Roll – FY 2006 was unanimously approved by a show of hands.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, Resolution 9673 Adopting Financial Policies was unanimously approved by a show of hands

**ACTION:** On a motion by Councilmember Metropulos, seconded by Councilmember Mathewson, Resolution 9674 Establishing The Annual Special Tax For Community Facilities District No. 2000-1 (Library Project) For Fiscal Year 2006 And Requesting That The County Of San Mateo Collect The Special Tax On The Real Estate Tax Rolls.

**ADJOURNMENT:** At this time, being 8:50 P.M., the Belmont Fire Protection District and Belmont Redevelopment Agency Meetings were adjourned.

**Public Hearing to Consider a Resolution Approving Collection of Basic and Additional Charges by the San Mateo County Flood Control District to Fund the FY06 Countywide National Pollutant Discharge Elimination System General Program and Election to have Charges Collected on the Tax Roll**

Public Works Director Davis stated that this was the fee for County-wide NPDES services, which included a five-cent per-parcel increase over last year. He clarified that the County's NPDES program is distinctly different from the City's program. He noted that Belmont's practice is to approve this fee annually, but there is an option to approve an annual fee unless the Council takes action to change or modify in the future.

Mayor Warden opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Metropulos, seconded by Councilmember Feierbach, Resolution 9475 was unanimously approved by a show of hands.

**Public Hearing to Consider a Resolution Approving City of Belmont FY06 National Pollutant Discharge Elimination System Charges and Election to have Charges Collected on the Tax Roll**

Public Works Director Davis stated that this was the fee for Belmont's NPDES services, and that the rate remained unchanged from previous years. He reviewed the various activities funded by this mandated program.

In response to Councilmember Bauer, Public Works Director Davis confirmed that half of the activities are charged to NPDES, and half to roadway repairs funded under Measure A. He noted this represented a small amount of the total program.

Mayor Warden opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, Resolution 9476 was unanimously approved by a show of hands.

**OLD BUSINESS**



### **Discussion and Direction on Issues Related to Administrative Code Enforcement System**

Code Enforcement Officer Buckman stated that this issue is being brought forward as a result of Council direction to address an administrative hearing process for code enforcement compliance. He reviewed how other cities in San Mateo County handle code enforcement, and noted that many have initiated an administrative code enforcement process. He also reviewed Belmont's program, and clarified that the policy is compliance.

Code Enforcement Officer Buckman stated that Belmont had recently hosted a round-table discussion with several cities regarding their administrative code enforcement programs. He reviewed the topics discussed and the variables for Council's consideration. He noted that a number of options are available for Council to consider regarding the composition and scope of a hearing board, and that there are legal implications for all options.

Code Enforcement Officer Buckman outlined code enforcement review board membership options, and procedures to consider for the collection of fines and penalties. He noted there are legal implications if the City itself removes a violation. He outlined the City of Daly City assessment fee process. He noted these fees are separate from fines and penalties, the goal is cost recovery, and it has been successful. This process was outlined at a recent meeting with Belmont's neighborhood associations. There could be a financial impact if enacted in Belmont, and cost recovery would not be achieved. He reviewed the policy implications and questions to be determined if such a program were to be implemented in Belmont.

Council discussion ensued.

In response to Council questions, Code Enforcement Officer Buckman responded that any department could utilize the administrative code enforcement program. One example would be barking dogs, or noise. He clarified that if compliance had been achieved at the time of a site inspection, no fee would be assessed. He stated that volunteers could be used to do initial investigations or re-inspections.

Interim City Attorney Zafferano clarified there were legal issues to address regarding a review board process. He stated that if the hearing board is comprised of senior staff, the perception could be that the hearing board is foregone to reach a certain conclusion. He noted that other departments could be used to review each other's citations. In this case, no additional dollars would be expended, and there would be no conflict of interest.

Councilmember Feierbach stated that she would like additional time to review the information provided before she could give direction.

Mayor Warden requested a formal legal opinion for the options as outlined. He noted that some cities bill individuals for illegal sign removal, and there is value in some process of enforcement.

Councilmember Bauer expressed concern regarding the mitigation process, liability, and level of bureaucracy. He commended staff for taking the initiative to bring other cities together to discuss this issue.

Community Development Director Ewing noted that other departments had provided input for this report, and he acknowledged there are sensitive legal issues to address.

In response to Mayor Warden, Interim City Attorney Zafferano stated that the intent of this program would be to recover all costs. He suggested incorporating an alternative procedure to authorize the city attorney to file a case directly. He noted that due process could be outlined in the program.

Council concurred to have staff return to Council at a future meeting to address the legal issues.

**ADJOURNMENT** at this time, being 9:38 P.M., in memory of former Belmont Police Officer Patrick Moran.

Meeting audio-recorded and videotaped  
Audio Recording 611  
Minutes approved 7/12/2005

Terri Cook  
City Clerk